

December 11, 2006

Ex Parte

Ms. Marilyn Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Implementation of Section 621(a)(1) of the Cable Communications
Policy Act of 1984 as amended by the Cable Television Consumer
Protection and Competition Act of 1992, MB Docket No. 05-311

Dear Ms. Dortch,

This notice is to record our ex parte meetings with FCC Chairman Martin, Commissioner MacDowell and staff Rudy Briocche and Bruce Gottlieb. We stated our concerns via voicemail today, December 11, 2006, as follows:

“My name is Jim Atwood. I am calling about MB 05-311 on video franchising on behalf of General Manager Curtis Henderson, Jr. and the Board of Directors of Boston Neighborhood Network Television (BNN), where I am Access Director. We want to lend support to the position of the Alliance for Community Media and to strongly urge the FCC to uphold the public interest by keeping the COMMUNITY in “Community Media”.

In Boston, we are fortunate to have strong support from city government for community access to media, and cable providers that are committed to giving something back to the people that provide their profits. The franchising agreements between the city of Boston and its willing partners, the cable providers and BNN, have resulted in 23 years of tremendous benefits that have become part and parcel of the civic, social and cultural fabric of the city. The local franchising process has provided the means for the creation and distribution of more local programming than all other Boston channels combined – more than 60,000 hours since 1983 of original, local non-commercial programming produced in over a dozen languages by thousands of Boston residents and non-profit organizations.

It is our hope that any rulemaking or legislation governing broadband and new media technologies will provide for increased competition, affordability and equitable access for consumers, while also maintaining oversight by local communities to ensure accessibility for community expression. The current franchising process has allowed our elected representatives to negotiate on our behalf, resulting in a win-win situation and beneficial returns for cable

companies and the public alike. We are concerned that the proposed rules will needlessly jeopardize a system that already works for everyone:

- 1) Ninety days is not a reasonable period for franchise negotiations, which must involve the community in good faith. Any provision allowing for video providers to proceed at any time without a local agreement is unfair to consumers, viewers and producers.
- 2) Regulations should guard against discrimination. Companies should not be allowed to select which neighborhoods they will serve, while disregarding others.
- 3) Profits of video service providers – both cable companies and their competitors – have been increasing. No rule should be enacted that reduces support for community media, including PEG (Public, Educational and Government access), institutional networks and other in-kind services as are allowed by current Federal law or local regulations.
- 4) The dramatic changes being proposed over-step the FCC's authority and could inhibit resolution of these issues and slow progress by confusing the legal framework. With all due respect, changes to the law should be decided by law-makers, not the FCC.

Thanks for your consideration of our perspective. Please contact me if you have questions or if you would like more info about BNN.

jatwood@bnntv.org

617-720-2113 x23

Thank you."

Sincerely,

Jim Atwood

Access & Operations Director, Boston Neighborhood Network Television

8 Park Plaza

Boston MA 02116

CC: Curtis Henderson Jr., BNN General Manager

Christina Pauze

Chris Robbins

Heather Dixon

Rudy Brioche

Bruce Gottlieb

Boston's Congressional Delegation